

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 HA-05 SIL-01 IO-13 EB-08
SS-15 SP-02 PM-05 L-03 H-01 CIAE-00 INR-10
NSAE-00 PA-01 NEAE-00 SSO-00 INRE-00 NSCE-00 /087 W
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O R 301400Z AUG 78
FM AMEMBASSY TUNIS
TO SECSTATE WASHDC IMMEDIATE 235
INFO AMEMBASSY ALGIERS
AMEMBASSY BRUSSELS
AMEMBASSY PARIS
AMEMBASSY RABAT
AMEMBASSY TRIPOLI

C O N F I D E N T I A L TUNIS 6111

PARIS FOR LABATT

BRUSSELS FOR USEC/LABATT

E.O. 11652: GDS
TAGS: PGOV, ELAB, TS, PINR
SUBJECT: SUPREME COURT UPHOLDS SOUSSE RULING OF INCOMPETENCE

REF: TUNIS 5859

1. EMBASSY POLITICAL OFFICER LEARNED IN MEETING WITH
PARTY DIRECTOR SAYAH THIS AFTERNOON THAT COURT OF CASSATION
HAS JUST UPHOLD SOUSSE CRIMINAL COURT IN ITS AUGUST 15
RULING OF INCOMPETENCE TO TRY 101 SOUSSE DEFENDANTS. IN
BRIEF, COURT OF CASSATION AGREED WITH SOUSSE COURT'S
VIEWS THAT CHARGES WERE OF POLITICAL AND NOT CRIMINAL
NATURE, AND CONSEQUENTLY CAN ONLY BE TAKEN UP BY STATE
SECURITY COURT.

2. DURING FIRST PART OF PREVIOUSLY ARRANGED MEETING WITH
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POLITICAL OFFICER AT PARTY HEADQUARTERS, SAYAH COMMENTED
THAT CASSATION COURT'S DECISION WAS EXPECTED SOMETIME
IN AFTERNOON. HE PROFESSED IGNORANCE TO WHAT DECISION
WOULD BE. NEWS WAS SHORTLY AFTERWARDS RECEIVED BY SAYAH IN
TELEPHONE CALL. HIS REACTION WAS ONE OF RESIGNATION AND DIS-
TASTE. HE EXPLAINED THAT IT WAS PRIME MINISTER'S DECISION TO
USE CRIMINAL RATHER THAN SECURITY COURTS AS VENUE FOR TRIALS.

HE ADDED THAT IT HAD BEEN A MISTAKE, WHICH HAD BEEN MADE WORSE BY MISHANDLING FROM THE BEGINNING.

3. SAYAH NOTED THAT GOVERNMENT NOW HAS NO ALTERNATIVE BUT TO GO TO SECURITY COURT AND THAT IT WOULD PROBABLY TAKE A "LONG TIME" BEFORE GOVERNMENT COULD PUT ITS CASE TOGETHER. HE MENTIONED THAT CHARGES AGAINST GOODLY NUMBER OF SOUSSE DEFENDANTS WOULD PROBABLY BE DROPPED, AND THAT THOSE REMAINING WOULD BE TRIED ALONG WITH ACHOUR AND OTHER MAJOR FIGURES IN SINGLE SECURITY COURT SESSION. WHOLE AFFAIR WAS DESCRIBED AS "A MESS."

4. NEWS OF CASSATION COURT'S FINDING HAS NOT YET BEEN MADE PUBLIC.
KING

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